

**Electronically filed**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MOSHE LAX, individually, as an executor  
of the Chaim Lax Estate, as a trustee of the  
Chaim Lax Family Trust, and as a trustee  
of the GAMA Trust; ZLATY SCHWARTZ,  
individually, as an executor of the  
Chaim Lax Estate, as a trustee of the  
Chaim Lax Family Trust, and as a trustee  
Of the GAMA Trust; SHAINDY LAX;  
JUDITH LAX; J.L., a minor; 299 HEWES  
STREET REALTY CORP; 307 HEWES  
STREET REALTY CORP; JBAM REALTY  
LLC a/k/a JBAM REALTY 2 LLC; BEN  
ZION JACOBOWITZ; TONY JACOBOZITZ;  
SL HOLDINGS I LLC; SL HOLDINGS II LLC;  
SL HOLDINGS III LLC; SL HOLDINGS IV LLC;  
SL HOLDINGS V LLC; DIAMOND DYNAMICS LLC;  
KGK JEWELRY LLC; CONGREGATION BAIS  
YEHUDA D'GANITCH; AND LX HOLDINGS LLC

No. 1:18-cv-04061(IKG-PK)

JBAMs.

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**ANSWER AND AFFIRMATIVE DEFENSES OF JBAM REALTY LLC a/k/a JBAM  
REALTY 2 LLC**

JBAM Realty LLC, a/k/a JBAM Realty 2 LLC ("JBAM") by way of answer to the  
complaint of the United States of America ("USA" or "Plaintiff"), states:

**AS TO JURISDICTION AND VENUE**

1. JBAM lacks knowledge or information sufficient to form a belief as to the truth of  
the allegations contained in paragraph 1 of the complaint.

2. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the complaint.

**AS TO THE PARTIES**

3. Upon information and belief, JBAM admits the allegations contained in paragraph 3 of the complaint.

4. Upon information and belief, JBAM admits the allegations contained in paragraph 4 of the complaint.

5. Upon information and belief, JBAM admits the allegations contained in paragraph 5 of the complaint.

6. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the complaint.

7. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the complaint.

8. Upon information and belief, JBAM admits the allegations contained in paragraph 8 of the complaint.

9. Upon information and belief, JBAM admits the allegations contained in paragraph 9 of the complaint.

10. Upon information and belief, JBAM admits the allegations contained in paragraph 10 of the complaint.

11. Upon information and belief, JBAM admits the allegations contained in paragraph 11 of the complaint.

12. Upon information and belief, JBAM admits the allegations contained in paragraph 12 of the complaint.

13. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the complaint.

14. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the complaint, except to admit that JBAM is a limited liability company formed under the laws of the State of New York and that JBAM claims an interest in some of the property upon which the United States seeks to enforce its alleged liens.

15. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the complaint.

16. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the complaint.

17. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the complaint.

18. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the complaint.

19. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of the complaint.

20. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the complaint.

#### **AS TO THE INTRODUCTION**

21. Upon information and belief, JBAM admits the allegations contained in paragraph 21 of the complaint.

22. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of the complaint.

23. Upon information and belief, JBAM admits the allegations contained in paragraph 23 of the complaint.

24. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 24 of the complaint.

25. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25 of the complaint.

26. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26 of the complaint.

#### **AS TO THE BACKGROUND**

27. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 27 of the complaint.

28. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 28 of the complaint.

29. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 29 of the complaint, except to admit that Chaim Lax died on or about November 8, 2008.

30. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 30 of the complaint.

31. Upon information and belief, JBAM admits the allegations contained in paragraph 31 of the complaint.



32. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 32 of the complaint.

33. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 33 of the complaint.

34. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34 of the complaint.

35. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 35 of the complaint.

36. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 36 of the complaint.

37. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 37 of the complaint.

38. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 38 of the complaint.

39. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 39 of the complaint.

40. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 40 of the complaint.

41. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 41 of the complaint.

42. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 42 of the complaint.

43. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 43 of the complaint.

44. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44 of the complaint.

45. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 45 of the complaint.

46. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 46 of the complaint.

47. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 47 of the complaint.

48. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 48 of the complaint.

49. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 49 of the complaint.

50. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 50 of the complaint.

51. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 51 of the complaint.

52. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 52 of the complaint.

53. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 53 of the complaint.

54. Upon information and belief, JBAM admits the allegations contained in paragraph 54 of the complaint except to state that JBAM lacks knowledge of information sufficient to form a belief as to the truth of the allegations concerning the GAMA Trust.

55. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 55 of the complaint, except to admit upon information and belief that “On May 7, 2007, Chaim purported to assign his ownership interest in LX Holdings to the Lax Family Trust.”

56. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 56 of the complaint.

57. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 57 of the complaint.

58. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 58 of the complaint.

59. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 59 of the complaint.

60. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 60 of the complaint.

61. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 61 of the complaint.

62. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 62 of the complaint.

63. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 63 of the complaint.



64. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 64 of the complaint.

65. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 65 of the complaint.

66. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 66 of the complaint.

67. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 67 of the complaint.

68. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 68 of the complaint.

69. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 69 of the complaint.

70. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 70 of the complaint.

71. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 71 of the complaint.

72. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 72 of the complaint.

73. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 73 of the complaint.

74. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 74 of the complaint.



75. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 75 of the complaint.

76. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 76 of the complaint.

77. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 77 of the complaint.

78. Upon information and belief, JBAM admits the allegations contained in paragraph 78 of the complaint.

79. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 79 of the complaint.

80. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 80 of the complaint.

81. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 81 of the complaint.

82. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 82 of the complaint.

83. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 83 of the complaint.

84. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 84 of the complaint.

85. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 85 of the complaint.

86. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 86 of the complaint.

87. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 87 of the complaint.

88. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 88 of the complaint.

89. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 89 of the complaint.

90. Upon information and belief, JBAM admits the allegations contained in paragraph 90 of the complaint.

91. Upon information and belief, JBAM admits the allegations contained in paragraph 91 of the complaint.

92. Upon information and belief, JBAM admits the allegations contained in paragraph 92 of the complaint.

93. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 93 of the complaint.

94. Upon information and belief, JBAM admits the allegations contained in paragraph 94 of the complaint.

95. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 95 of the complaint.

96. Upon information and belief, JBAM admits the allegations contained in paragraph 96 of the complaint.

97. JBAM denies the allegations contained in paragraph 97 of the complaint except to admit that Mordechai Ehrenheld executed the ABC Deed on behalf of White Coat as “Mordechai Ehrenheld, Chief Restructuring Officer and to allege that Mordechai Ehrenheld is Moshe’s Broter in Law.

98. Upon information and belief, JBAM admits the allegations contained in paragraph 98 of the complaint.

99. Upon information and belief, JBAM admits the allegations contained in paragraph 99 of the complaint.

100. Upon information and belief, JBAM admits the allegations contained in paragraph 100 of the complaint.

101. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 101 of the complaint.

102. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 102 of the complaint.

103. The statements contained in paragraph 103 of the complaint assert conclusions of law and therefore, no response is required.

104. Upon information and belief, JBAM admits the allegations contained in paragraph 104 of the complaint.

105. Upon information and belief, JBAM admits the allegations contained in paragraph 105 of the complaint, except that JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to creditors other than JBAM.

106. Upon information and belief, JBAM admits the allegations contained in paragraph 106 of the complaint.

107. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 107 of the complaint.

108. Upon information and belief, JBAM admits the allegations contained in paragraph 108 of the complaint, except that JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to creditors other than JBAM.

109. Upon information and belief, JBAM admits the allegations contained in paragraph 109 of the complaint.

110. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 110 of the complaint.

111. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 111 of the complaint.

112. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 112 of the complaint.

113. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 113 of the complaint.

114. Upon information and belief, JBAM admits the allegations contained in paragraph 114 of the complaint.

115. Upon information and belief, JBAM admits the allegations contained in paragraph 115 of the complaint.

116. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 116 of the complaint.

117. Upon information and belief, JBAM admits the allegations contained in paragraph 117 of the complaint.



118. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 118 of the complaint.

119. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 119 of the complaint.

120. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 120 of the complaint.

121. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 121 of the complaint.

122. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 122 of the complaint.

123. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 123 of the complaint.

124. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 125 of the complaint.

125. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 125 of the complaint.

126. JBAM denies the allegations contained in paragraph 126 of the complaint.

127. JBAM denies the allegations contained in paragraph 127 of the complaint.

128. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 128 of the complaint.

129. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 129 of the complaint.

130. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 130 of the complaint.

131. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 131 of the complaint.

132. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 132 of the complaint.

133. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 133 of the complaint.

134. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 134 of the complaint.

135. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 135 of the complaint.

136. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 136 of the complaint.

137. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 137 of the complaint.

138. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 138 of the complaint.

139. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 139 of the complaint.

140. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 140 of the complaint.

141. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 141 of the complaint.

142. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 142 of the complaint.

143. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 143 of the complaint.

144. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 144 of the complaint.

145. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 145 of the complaint.

146. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 146 of the complaint.

147. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 147 of the complaint.

148. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 148 of the complaint.

149. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 149 of the complaint.

150. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 150 of the complaint.

151. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 151 of the complaint.



152. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 152 of the complaint.

153. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 153 of the complaint.

154. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 154 of the complaint.

155. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 155 of the complaint.

156. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 156 of the complaint.

157. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 157 of the complaint.

158. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 158 of the complaint.

159. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 159 of the complaint.

160. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 160 of the complaint.

161. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 161 of the complaint.

162. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 162 of the complaint.



163. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 163 of the complaint.

164. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 164 of the complaint.

165. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 165 of the complaint.

166. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 166 of the complaint.

167. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 167 of the complaint.

168. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 168 of the complaint.

169. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 169 of the complaint.

170. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 170 of the complaint.

171. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 171 of the complaint.

172. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 172 of the complaint.

173. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 173 of the complaint.

**AS TO COUNT I**

174. JBAM incorporates paragraphs 1 through 173, above.

175. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 175 of the complaint.

176. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 176 of the complaint.

177. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 177 of the complaint.

178. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 178 of the complaint.

179. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 179 of the complaint.

## **AS TO COUNT II**

180. JBAM incorporates paragraphs 1 through 179, above.

181. The statements contained in paragraph 181 of the complaint assert conclusions of law and therefore, no response is required.

182. The statements contained in paragraph 182 of the complaint assert conclusions of law and therefore, no response is required.

183. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 183 of the complaint.

184. JBAM lacks knowledge of information sufficient to form a belief as to the truth of the allegations contained in paragraph 184 of the complaint.

185. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 185 of the complaint.

186. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 186 of the complaint.

187. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 187 of the complaint.

188. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 188 of the complaint.

189. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 189 of the complaint.

**AS TO COUNT III**

190. JBAM incorporates paragraphs 1 through 189, above.

191. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 191 of the complaint.

192. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 192 of the complaint.

**AS TO COUNT IV**

193. JBAM incorporates paragraphs 1 through 192, above.

194. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 194 of the complaint.

195. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 195 of the complaint.

**AS TO COUNT V**

196. JBAM incorporates paragraphs 1 through 195, above.

197. JBAM admits the allegations contained in paragraph 197 of the complaint.



198. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 198 of the complaint.

199. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 199 of the complaint.

200. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 200 of the complaint.

201. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 201 of the complaint.

202. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 202 of the complaint.

203. Upon information and belief, JBAM admits the allegations contained in paragraph 203 of the complaint, except that JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to creditors other than JBAM.

204. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 204 of the complaint.

205. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 205 of the complaint.

206. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 206 of the complaint.

207. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 207 of the complaint.

208. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 208 of the complaint.



**AS TO COUNT VI**

209. JBAM incorporates paragraphs 1 through 208, above.
210. The statements contained in paragraph 210 of the complaint assert conclusions of law and therefore, no response is required.
211. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 211 of the complaint.
212. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 212 of the complaint.
213. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 213 of the complaint.
214. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 214 of the complaint.
215. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 215 of the complaint.
216. The statements contained in paragraph 216 of the complaint assert conclusions of law and therefore, no response is required.

**AS TO COUNT VII**

217. JBAM incorporates paragraphs 1 through 216, above.
218. Upon information and belief, JBAM admits the allegations contained in paragraph 218 of the complaint.
219. Upon information and belief, JBAM admits the allegations contained in paragraph 219 of the complaint, except that JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to creditors other than JBAM.

220. Upon information and belief, JBAM admits the allegations contained in paragraph 220 of the complaint, except that JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to creditors other than JBAM.

221. Upon information and belief, JBAM admits the allegations contained in paragraph 221 of the complaint.

222. Upon information and belief, JBAM admits the allegations contained in paragraph 222 of the complaint.

223. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 223 of the complaint.

224. Upon information and belief, JBAM admits the allegations contained in paragraph 224 of the complaint, except that JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to creditors other than JBAM.

225. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 225 of the complaint.

226. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 226 of the complaint.

227. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 227 of the complaint.

228. Upon information and belief, JBAM admits the allegations contained in paragraph 228 of the complaint, except that JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to creditors other than JBAM.

229. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 229 of the complaint.

230. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 230 of the complaint.

231. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 231 of the complaint.

**AS TO COUNT VIII**

232. JBAM incorporates paragraphs 1 through 231, above.

233. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 233 of the complaint.

234. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 234 of the complaint.

235. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 235 of the complaint.

236. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 236 of the complaint.

237. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 237 of the complaint.

238. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 238 of the complaint.

239. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 239 of the complaint.

240. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 240 of the complaint.

241. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 241 of the complaint.

242. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 242 of the complaint.

243. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 243 of the complaint.

244. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 244 of the complaint.

245. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 245 of the complaint.

246. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 246 of the complaint.

#### **AS TO COUNT IX**

247. JBAM incorporates paragraphs 1 through 246, above.

248. Upon information and belief, JBAM admits the allegations contained in paragraph 248 of the complaint.

249. Upon information and belief, JBAM admits the allegations contained in paragraph 249 of the complaint.

250. Upon information and belief, JBAM admits the allegations contained in paragraph 250 of the complaint, except that JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to creditors other than JBAM.



251. Upon information and belief, JBAM admits the allegations contained in paragraph 251 of the complaint, except that JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to creditors other than JBAM.

252. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 252 of the complaint.

253. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 253 of the complaint.

254. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 254 of the complaint.

255. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 255 of the complaint.

256. Upon information and belief, JBAM admits the allegations contained in paragraph 256 of the complaint.

257. Upon information and belief, JBAM admits the allegations contained in paragraph 257 of the complaint, except that JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to creditors other than JBAM.

258. Upon information and belief, JBAM admits the allegations contained in paragraph 258 of the complaint, except that JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to creditors other than JBAM.

259. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 259 of the complaint.

260. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 260 of the complaint.

261. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 261 of the complaint.

262. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 262 of the complaint.

263. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 263 of the complaint.

264. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 264 of the complaint.

**AS TO COUNT X**

265. JBAM incorporates paragraphs 1 through 264, above.

266. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 266 of the complaint.

267. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 267 of the complaint.

268. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 268 of the complaint.

269. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 269 of the complaint.

270. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 270 of the complaint.

271. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 271 of the complaint.

272. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 272 of the complaint.

273. Upon information and belief, JBAM admits the allegations contained in paragraph 273 of the complaint, except that JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to creditors other than JBAM.

274. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 274 of the complaint.

275. Upon information and belief, JBAM admits the allegations contained in paragraph 275 of the complaint, except that JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to creditors other than JBAM.

276. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 276 of the complaint.

277. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 277 of the complaint.

278. Upon information and belief, JBAM admits the allegations contained in paragraph 278 of the complaint, except that JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations as they pertain to creditors other than JBAM.

279. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 279 of the complaint.

280. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 280 of the complaint.

281. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 281 of the complaint.



**AS TO COUNT XI**

282. JBAM incorporates paragraphs 1 through 281, above.

283. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 283 of the complaint.

284. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 284 of the complaint.

285. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 285 of the complaint.

286. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 286 of the complaint.

287. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 287 of the complaint.

288. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 288 of the complaint.

289. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 289 of the complaint.

290. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 290 of the complaint.

291. The statements contained in paragraph 291 of the complaint assert conclusions of law and therefore, no response is required.

292. The statements contained in paragraph 292 of the complaint assert conclusions of law and therefore, no response is required.

**AS TO COUNT XII**



293. JBAM incorporates paragraphs 1 through 292, above.

294. JBAM lacks knowledge or information as to the date when, if at all, a federal tax lien arose and avers that the remaining statements contained in paragraph 294 of the complaint assert conclusions of law and therefore, no response is required.

295. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 295 of the complaint.

296. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 296 of the complaint.

297. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 297 of the complaint.

298. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 298 of the complaint.

299. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 299 of the complaint.

300. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 300 of the complaint.

301. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 301 of the complaint.

302. The statements contained in paragraph 302 of the complaint assert conclusions of law and therefore, no response is required. Alternatively, JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 302 of the complaint.

303. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 303 of the complaint.

304. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 304 of the complaint.

305. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 305 of the complaint.

306. JBAM Denies the allegations contained in paragraph 306 of the complaint.

307. JBAM Denies the allegation contained in paragraph 307 of the complaint.

308. JBAM Denies the allegation contained in paragraph 308 of the complaint.

309. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 309 of the complaint.

310. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 310 of the complaint.

311. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 311 of the complaint.

312. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 312 of the complaint.

313. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 313 of the complaint.

314. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 314 of the complaint.

315. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 315 of the complaint.

316. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 316 of the complaint.

317. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 317 of the complaint.

318. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 318 of the complaint.

319. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 319 of the complaint.

320. The statements contained in paragraph 320 of the complaint assert conclusions of law and therefore, no response is required.

321. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 321 of the complaint.

322. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 322 of the complaint.

323. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 323 of the complaint.

324. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 324 of the complaint.

325. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 325 of the complaint.

326. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 326 of the complaint.



327. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 327 of the complaint.

328. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 328 of the complaint.

329. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 329 of the complaint.

330. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 330 of the complaint.

331. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 331 of the complaint.

332. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 332 of the complaint.

333. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 333 of the complaint.

334. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 334 of the complaint.

335. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 335 of the complaint.

336. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 336 of the complaint.

337. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 337 of the complaint.



338. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 338 of the complaint.

339. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 339 of the complaint.

340. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 340 of the complaint.

341. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 341 of the complaint.

342. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 342 of the complaint.

343. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 343 of the complaint.

344. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 344 of the complaint.

345. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 345 of the complaint.

346. JBAM lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 346 of the complaint.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

347. Upon information and belief, the statute of limitations for assessment expired before tax was assessed for some or all of the years and taxes in question.

#### **SECOND AFFIRMATIVE DEFENSE**

348. JBAM acquired its rights to the interests referred to in paragraphs 124 and 126 of the complaint before some or all of the federal tax liens were filed.

**THIRD AFFIRMATIVE DEFENSE**

349. JBAM acquired its rights to the interests referred to in paragraphs 124 and 126 of the complaint before some or all of the federal tax liens arose.

**FOURTH AFFIRMATIVE DEFENSE**

350. JBAM's rights to the interests referred to in paragraphs 124 and 126 of the complaint became superior to the rights of the Plaintiff as to the alleged tax liabilities for the years 2003, 2004, and 2005 by virtue of the release of the Federal Tax Liens as to those years.

**FIFTH AFFIRMATIVE DEFENSE**

351. Plaintiff's claims against JBAM are barred by the doctrines of claim preclusion and/or issue preclusion.

**SIXTH AFFIRMATIVE DEFENSE**

352. Upon information and belief, Plaintiff is estopped from enforcing tax liens against property belonging to JBAM because it failed to timely pursue its remedies against fiduciaries, beneficiaries, and recipients of fraudulent transfers of the Estate of Chaim Lax.

**SEVENTH AFFIRMATIVE DEFENSE**

353. JBAM's rights to the interests referred to in paragraphs 124 and 126 of the complaint are superior to the Plaintiff's Federal Tax Liens.

**EIGHTH AFFIRMATIVE DEFENSE**

354. If the Court determines that the Plaintiff's Federal Tax Liens attach to the property interests identified in paragraphs 124 and 126 of the complaint, the Court should exercise its discretion and refrain from ordering a judicial sale of the said property interests.

### **NINTH AFFIRMATIVE DEFENSE**

355. JBAM's rights to the membership interests described in the Complaint as the Original SL Holdings Assets are superior to those of the Plaintiff because, among other things, neither Chaim Lax nor the Estate of Lax satisfied the acquisition debt that was incurred with respect to the said membership interests and/or because Chaim Lax and/or the Estate of Lax failed to make required capital calls.

### **PRAYER FOR RELIEF**

WHEREFORE, Defendant JBAM respectfully requests the following relief:

- A. Judgment denying the relief requested as to Defendant JBAM LLC a/k/a JBAM LLC 2 and dismissing the Complaint as to Defendant JBAM LLC a/k/a JBAM LLC 2.
- B. Judgment that the United States of America's Federal Tax Liens do not attach to the properties identified in paragraph 124 of the Complaint.
- C. Awarding Defendant JBAM any other and further relief to which it may be entitled.

Dated: October 12, 2018

Respectfully submitted,



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